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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,892	08/25/2003	David E. Grober		7103

7590
David E. Grober
616 Venice Blvd.
Venice, CA 90291

11/21/2005

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,892

Applicant(s)

GROBER, DAVID E.

Examiner

Lars A. Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 11 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3-7 and 16 are objected to because of the following informalities:
Claims 1, 3-7 and 16 are in the form of a plurality of sentences. Each claim must be phrased in the form of a single sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-7, 13-17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the vehicle or moving object" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 1 recites the limitation "the power source" in line 10. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 1 recites the limitation "the drive mechanisms" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 14, 15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (US 4,930,435).

Newman discloses the same anti-motion sickness device as claimed, as shown in Figures 1-11, that is comprised of a stabilized platform, defined as Part #14, for supporting a person or object, a base, as shown in Figures 3 and 4, that is mounted to a vehicle, a stabilizing system that connects said platform to said base, said stabilizing system being comprised of a first sensor package, defined as Part #30, for sensing motion of said vehicle about three axes of rotation, as shown in Figure 1 and 2, a second sensor package, defined as Parts #16, 18 and 20, that is located on said stabilized platform to provide level horizon data, a control system, defined as Part #23, for stabilizing said platform based upon sensor data, and a braking system, defined as Parts #17, 19 and 21, which prevents said platform from falling or tipping over when power to drive mechanisms for said platform is turned off or fails.

Newman also discloses the same method for using one or more anti-motion sickness devices on a vehicle, as shown in Figures 1-11, said method including the step of providing one or more anti-motion sickness devices on a vehicle that stabilize vehicle pitch and roll in three orthogonal axes, as shown in Figures 1 and 2.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 4, 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Drocar (US 1,121,617).

Newman, as set forth above, discloses all of the features claimed except for the use of a stabilized platform that is fitted with a chair or a table.

Drocar discloses a floating platform, as shown in Figures 1-4, that is stabilized to maintain a constant horizontal position, where said platform is provided with a table, defined as Part #24, and chairs, defined as Part #25, as shown in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a table and chairs in combination with a stabilized platform, as taught by Drocar, in combination with the anti-motion sickness device as disclosed by Newman for the purpose of providing a stabilized platform with a table and chairs in order to provide comfort to persons or passengers on said stabilized platform.

11. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Rosquist (US 4,713,851).

Newman, as set forth above, discloses all of the features claimed except for the use of a stabilized platform that is fitted with a bed.

Rosquist discloses a suspension system, as shown in Figures 1-6, that includes a stabilized platform, defined as Part #14, for a bed, as described in lines 23-26 of column 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a bed in combination with a stabilized platform, as taught by Rosquist, in combination with the anti-motion sickness device as disclosed by Newman for the purpose of providing a stabilized platform with a bed in order to provide comfort to a person on said stabilized platform.

12. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of McCormick Mehan et al. (US 2,206,100).

Newman, as set forth above, discloses all of the features claimed except for the use of a stabilized platform that is fitted with a compartment or room.

McCormick Mehan et al. discloses a stabilized compartment, as shown in Figures 1-9, where said compartment or room, defined as Part #46, is fitted to a stabilized platform, defined as Part #10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a compartment or room in combination with a stabilized platform, as taught by McCormick Mehan et al., in combination with the anti-motion sickness device as disclosed by Newman for the purpose of providing a stabilized platform with a room in order to provide comfort and shelter to persons or passengers on said stabilized platform.

Allowable Subject Matter

13. Claims 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 6, 16 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

15. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

November 14, 2005

LARS A. OLSON
PRIMARY EXAMINER



11/14/05